

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BILLIE JOE BULLSHIELDS,

Defendant.

CR 12-82-GF-BMM

ORDER

This case was referred to United States Magistrate Judge John Johnston for a revocation hearing and findings and recommendations. Judge Johnston entered his findings and recommendations on March 29, 2016. Defendant admitted she had violated Standard Condition 6 of her supervised release by failing to notify her probation officer of a change in residence, she had violated Standard Condition 7 of her supervised release by using marijuana, she had violated Special Condition 1 of her supervised release by failing to report for substance abuse testing, she had violated Special Condition 3 of her supervised release by failing to report for

mental health treatment, and she had violated Special Condition 5 of her supervised release by consuming alcohol. Judge Johnston found the admissions sufficient to establish the supervised release violations. He recommended that this Court revoke Defendant's supervised release and commit her to the custody of the United States Bureau of Prisons for a term of imprisonment of five months, with 24 months of supervised release to follow.

No objections were filed by either party. Judge Johnston's findings and recommendations are therefore reviewed for clear error. *McDonnell Douglas Corp. Commodore Bus. Mach, Inc.*, 656 F.2d 1309, 1319 (9th Cir. 1981).

This Court agrees with Judge Johnston's findings. Defendant admitted she had violated Standard Conditions 6 and 7, and Special Conditions 1, 3 and 5. Defendant could be incarcerated for up to 36 months, followed by 42 months of supervised release less any custody time imposed. The United States Sentencing Guidelines call for a term of imprisonment of three to nine months. A sentence of five months in custody, followed by 24 months of supervised release is appropriate. The sentence is sufficient but not greater than necessary.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 221) are ADOPTED in full and Judgment shall be entered accordingly.

DATED this 18th day of April, 2016.

A handwritten signature in blue ink that reads "Brian Morris". The signature is written in a cursive style with a horizontal line underneath the name.

Brian Morris
United States District Court Judge